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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,190	03/01/2001	Andrew George Silver	U 013288-1	6267

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26 WEST 61ST STREET
NEW YORK, NY 10023

EXAMINER

VANAMAN, FRANK BENNETT

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 02/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/786,190

Applicant(s)

SILVER, ANDREW GEORGE

Examiner

Frank Vanaman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-33 and 35-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-24 and 35-39 is/are rejected.
- 7) ☐ Claim(s) 25-33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 24, 2005 has been entered.

Status of Application

2. Claims 22-33 and 35-39 are pending.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 22-24, 35 and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Uhlyarik (US 4,168,841, cited by applicant). Uhlyarik teaches a ski vehicle including a seat (47), steering means (14, 15), a frame means (11, 12, 21, 22, 37, 40, etc.), a forward ski (16) pivotally connected (18) to the steering means by suspension members (17), a rear ski member (36), wherein all ski members have the same width, pivotal attachment means (39, 39) at two longitudinally spaced positions on the rear ski, allowing bending of the ski between the pivotal attachment means, and allowing only pivotal motion between the ski, attachment means and frame means at the pivotal attachment positions themselves (i.e., at 39), a footrest (59) positioned at a fixed location on the frame means

Claim Rejections - 35 USC § 103

5. The appropriate citation of 35 U.S.C. 103 relied upon herein may be found in the previous office action.

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6. Claims 22-24, 35 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doran-Webb (US 3,583,721, cited previously) in view of Dulski (US 2,883,205, cited previously). Doran-Webb teaches a ski bike including a seat (86) a steering means (60, 62, 80, 82, 84) including an upper pair of handlebars (30) and a forward ski (66) connected to the steering means by a suspension element (64, 68, 72), a frame means (18, 24, 22, 38, etc.), which supports the seat (e.g., at 30), the rear ski being connected to the frame by pivotal connections (pins at 16, 20, 42) which allow pivoting of the rear ski at the pivotal locations but not allowing pivotal motion between the frame, pivotal connections and ski at other locations (note locking member 46), the front and rear skis having the same width (figure 1). The reference to Doran-Webb fails to teach a footrest extending from the frame on either side of the frame, constituting a pair of foot engaging portions. Dulski teaches a ski-bike having a frame supplied with a footrest (42) located between the seat and rear ski, having left and right foot supporting portions extending on either side of the frame (e.g., 13, 14). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a footrest as taught by Dulski on the frame of the bike taught by Doran-Webb, between the seat and rear ski, for the purpose of allowing a user's feet to be supported when coasting.

As regards claim 37, to provide an abrasive foot accommodating portion on a footrest for the purpose of enhancing traction is old and well known, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide an abrasive surface to the top portions of the footrest taught by the modifying reference of Doran-Webb as modified by Dulski for the purpose of improving traction and providing an improved gripping surface for the user.

7. Claims 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uhlyarik. The reference to Uhlyarik is discussed above and fails to teach the provision of a pivotal motion damper on the front ski, and the footrest as including abrasive upper foot-engaging surfaces. As regards claim 36, in view of Uhlyarik's use of a damper element (41, 43, 61, 63, see figure 5) in association with the rear ski mountings, it would have been obvious to one of ordinary skill in the art at the time of

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the invention to provide a damper for the motion of the front ski with respect to the steering means (14, 15) for the purpose of shock absorption, and additionally for the purpose of modifying the ground-engaging characteristics of the front ski to accommodate different terrain types. As regards claim 37, to provide an abrasive foot accommodating portion on a footrest for the purpose of enhancing traction is old and well known, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide an abrasive surface to the top portions of the footrest taught by the modifying reference of Uhlyarik for the purpose of improving traction and providing an improved gripping surface for the user.

8. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Doran-Webb in view of Dulski and Muller et al. (US 4,305,603, cited previously). The references of Doran-Webb and Dulski are discussed above, and fail to teach the rear ski as having a rear portion that is wider than the remainder of the ski, which has a substantially constant width. Muller et al. teach a gliding board having a forward section with a substantially constant width, and a wider rear section (6). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a rear ski of the bike of Doran-Webb as modified by Dulski with a widened section, as taught by Muller et al., for the purpose of adjusting the gliding characteristic of the bike.

9. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Uhlyarik in view of Muller et al. The reference of Uhlyarik is discussed above, and fails to teach the rear ski as having a rear portion that is wider than the remainder of the ski, which has a substantially constant width. Muller et al. teach a gliding board having a forward section with a substantially constant width, and a wider rear section (6). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a rear ski of the bike of Uhlyarik with a widened section, as taught by Muller et al., for the purpose of adjusting the gliding characteristic of the bike.

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Allowable Subject Matter

10. Claims 25-33 are objected to as being dependent from rejected base claims, but would be allowable if presented in independent form and including all limitations of the claim(s) from which they depend.

Response to Comments

11. Applicant's comments have been carefully considered. As regards the reference to Porsche et al., previously applied, the examiner agrees that the present claim recitation does not appear to be met by the Porsche et al. reference. Note the references to Doran-Webb, and Uhlyarik, both cited previously, and applied against certain of the pending claims.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 703-308-0424. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is 703-308-1113.

A response to this action should be mailed to:

Mail Stop _____
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450,

Or faxed to one of the following fax servers:

Regular Communications/Amendments: 703-872-9326
After Final Amendments: 703-872-9327
Customer Service Communications: 703-872-9325

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

F. VANAMAN
Primary Examiner
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2/14/05